

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

**IN RE: ETHICON, INC. PELVIC REPAIR
SYSTEM PRODUCT LIABILITY LITIGATION**

MDL NO. 2327

**PRETRIAL ORDER # _____
(Order: Approval of Qualified Settlement Fund for
Smith Stag, LLC)**

Pending is an Unopposed Motion for Approval of Qualified Settlement Fund, filed July 31, 2017 [ECF NO. 4263]. Also pending is an Unopposed Amended Motion for Approval of Qualified Settlement Fund. [ECF No. _____]. The court **ORDERS** that the Unopposed Motion is **DENIED** as moot [ECF No. 4263].

Smith Stag, LLC (“Smith Stag”), as counsel for certain plaintiffs in this MDL 2327, has moved the Court for entry of an Order to aid in the efficient processing and administration of a confidential settlement agreement (the “Settlement Agreement”) between Smith Stag and Ethicon, Inc. and certain related companies (“Ethicon”).

In particular, the Motion seeks an Order (1) approving the establishment of the SMITH STAG-ETHICON Qualified Settlement Fund (the “Fund”), (2) appointing an administrator of the Fund, (3) retaining continuing jurisdiction and supervision over the Fund, and (4) determining that the Fund is a “qualified settlement fund” within the meaning of section 468B of the Internal Revenue Code of 1986, as amended (“Code”) and Treasury Regulation sections 1.468B-1, *et seq.* (“Regulations”).

The Court, having reviewed the Motion and Escrow Agreement, and finding good and sufficient cause, hereby **FINDS** and **ORDERS** as follows:

- 1) The Unopposed Motion [ECF No. _____] is **GRANTED**;
- 2) The establishment of the SMITH STAG-ETHICON Qualified Settlement Fund is hereby approved;

3) Providio MediSolutions, LLC is appointed as Fund Administrator and shall serve pursuant to the terms, conditions and restrictions of the Unopposed Motion, the Master Settlement Agreement, and the Escrow Agreement;

4) The SMITH STAG-ETHICON Qualified Settlement Fund constitutes a qualified settlement fund within the meaning of section 468B of the Internal Revenue Code of 1986, as amended (the “Code”) and Treasury Regulation sections 1.468B-1, *et seq.* The Court further retains continuing jurisdiction and supervision over the underlying matter.

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2327 and it shall apply to each member related case previously transferred to, removed to, or filed in this district, *where applicable*, which includes counsel in all member cases up to and including civil action number _____. In cases subsequently filed in this district, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action at the time of filing of the complaint. In cases subsequently removed or transferred to this court, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action upon removal or transfer. It shall be the responsibility of the parties to review and abide by all pretrial orders previously entered by the court. The orders may be accessed through the CM/ECF system or the court’s website at www.wvsd.uscourts.gov.

ENTER:

JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE